

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-3 are currently pending. Claims 1 and 3, which are independent, are hereby amended. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification, specifically at pages 33-34. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicant is entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-3 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Publication No. 2001/0043795 to Wood et al. (hereinafter, merely "Wood") in view of U.S. Patent No. 6,983,478 to Grauch (hereinafter, merely "Grauch") in view of U.S. Patent No. 7,167,895 to Connelly (hereinafter, merely "Connelly") and further in view of U.S. Patent No. 6,601,237 B1 to Ten Kate et al. (hereinafter, merely "Ten Kate").

### III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

"...rescheduling means for rescheduling the exhibition of not viewed content immediately after the exhibition of currently scheduled content,

wherein the not viewed content is rescheduled repeatedly until it is viewed..." (Emphasis added)

As understood by Applicant, Ten Kate relates to an apparatus for rescheduling program conflicts in a virtual channel scheduling gap.

Applicant submits that none of the references used as a basis for rejection teaches or suggests the above-identified features of claim 1. Specifically Applicant submits that neither Wood nor Grauch nor Connelly nor Ten Kate, taken alone or in combination, describes rescheduling the exhibition of not viewed content immediately after the exhibition of currently scheduled content, wherein the not viewed content is rescheduled repeatedly until it is viewed, as recited in claim 1.

Specifically, the Office Action asserts that Ten Kate teaches rescheduling not viewed content. Applicant submits that in Ten Kate, the program which is of less interest to the user is recorded on a video recorder, and when at a later moment a substantial gap occurs in the schedule of the virtual channel, the recorded program is rescheduled to fill that gap (See, Ten Kate, Col. 2, lines 41-46). Thus, in Ten Kate the rescheduled program is replayed to fill a gap between other programs. However, in the present invention, as shown in Fig. 11, since the program H in the virtual channel 111-5 has not yet been viewed, it is deleted from the "past" and rescheduled in the "future" (See, Specification, page 33, paragraph [0119]). Thus, in the present invention, the rescheduled content is to be exhibited right after the exhibition of currently scheduled content.

Secondly, in the present invention, to ensure that not viewed content is viewed, this not viewed content is repeatedly rescheduled until it is viewed (See, Specification, page 34, paragraph [0124]). Nothing has been found in Ten Kate that teaches the not viewed content is rescheduled repeatedly until it is viewed, as recited in claim 1.

Furthermore, this deficiency of Ten Kate is not cured by the supplemental teaching of Wood, Grauch and Connelly.

Therefore, Applicant submits that independent claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claim 3 is also believed to be patentable.

### **III. DEPENDENT CLAIMS**

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments.

**CONCLUSION**

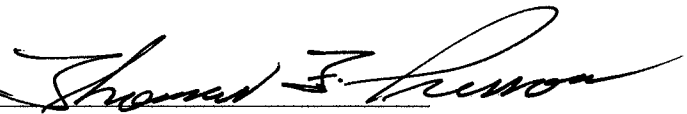
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

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